

SC 129/2026
STATE Vs. SONU SHARMA
FIR No. 83/2026 (Bhajan Pura)

05.08.2026

Present: Sh. Abhishek Pandey, Ld. Addl. PP for the State.
Accused is produced from JC.
Sh. Manish Bhadauria, Ld. counsel for the accused.

ORDER ON CHARGE

1. The brief facts of the case are that victim Kavita Sharma had married accused Sonu Sharma about 6 years ago, this is her second marriage and having three children from this wedlock. After some time of marriage, he started consuming liquor and subjecting her to physical assault. She further stated that the accused had earlier also poured hot acid upon her. On 16.02.2026, at about 9:40 am, when she was going towards her workplace, the accused intercepted her near Gali No. 5, Service Road, abused her, threatened to kill her, and inflicted a knife blow on her neck. She raised an alarm, whereupon a passerby, Sudama, shifted her to JPC Hospital on his scooty, from where she was referred to GTB Hospital.

2. Further, on the same day i.e. 16.02.2026, DD No. 42A was received at P.S. Bhajanpura regarding admission of an injured woman at JPC Hospital. Thereafter, IO reached JPC Hospital and obtained MLC No. M-18001402601989/26 of injured Kavita Sharma, who had already been referred to GTB Hospital. Thereafter, the IO reached GTB Hospital where the injured was

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found under treatment. Subsequently, the complainant Kavita Sharma appeared at the police station along with her father and got her statement recorded. On the basis of the statement of the complainant and the MLC, the present FIR was registered. During investigation, the IO inspected the place of occurrence, prepared the site plan at the instance of the complainant, and searched for the accused. After completion of investigation and upon collecting all relevant documents and medical evidence, the charge sheet was filed before the Court.

3. It is submitted by Ld. counsel for the accused that time of offence is 16.02.2016 on 09.40 am while rukka was prepared at 10.30 pm on the same date, hence there is delay of about 12 hours in giving her statement to the police. Further, it is mentioned in the charge sheet that after treatment, she went with her father and gave her statement after 12 hours, hence she had enough time for concoction and hence she has not disclosed the true facts of the case. It is submitted that the real cause of dispute between husband and wife was that complainant had solemnized second marriage with accused and she wanted divorce as she was keen on third marriage but accused was not inclined to give her divorce, this is the reason false complaint is made by her. Further, accused was living as *gharjama* with complainant. Complainant stated that her husband was residing separately for last one month while her father stated that they were residing separately for last 4-5 days, hence

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discrepancy in their statement. Further, it is wrongly mentioned that he threw acid on her, no proof of the same is filed. Further, it is submitted that this is a self inflicted injury and accused never committed any offence. Further, the incident happened on a public road but there is no public witness. Further, weapon of offence in this case is not recovered. Prima facie charge u/s 324 IPC is made out and not 307 IPC.

4. This Court has heard the submissions and gone through the record.

Findings

5. At the stage of framing of charge, this Court is not required to conduct a mini-trial or to weigh the evidence as if adjudicating upon guilt or innocence. The test to be applied is whether, on a broad probability of the case taken as a whole, a strong suspicion exists which, if unrebutted, would lead to a conviction. Consequently, the defence raised on merits, including the plea of self-infliction, alleged discrepancies in statements, and the motive attributed to the complainant, cannot be adjudicated upon or accepted at this stage, and are liable to be tested only through the trial.

6. Section 109(1) BNS is attracted where an act is done with such intention or knowledge, and under such circumstances that, had death been caused thereby, the accused would have been guilty of murder. The prosecution is not required to establish that

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the injury inflicted was, in itself, sufficient in the ordinary course of nature to cause death; it is sufficient if the intention or knowledge to cause death is prima facie discernible from the attendant circumstances. Courts have consistently held that in determining such intention or knowledge, relevant factors include the nature of the weapon used, the part of the body targeted, the degree of force employed, the nature and severity of the injury inflicted, the motive or antecedent conduct of the accused and the conduct of the accused before and after the incident.

7. Coming to the facts of the present case, the accused is alleged to have used a knife, a sharp-edged weapon inherently capable of causing grievous or fatal injury, and directed the blow to the neck of the complainant, a vital and vulnerable part of the human body. The deliberate targeting of such a vital part is itself indicative of an intention going beyond simple hurt.

8. As per the MLC, the complainant sustained a deep incised laceration wound over the neck measuring approximately 15 x 4 x 2 cm. The depth and dimensions of the wound, as reflected in the contemporaneous medical record, are consistent with the use of considerable force and lend credence to the allegation of an intention to cause death or an injury likely to cause death.

9. The complainant has attributed a background of matrimonial discord, prior physical assault, and a specific antecedent incident of the accused allegedly pouring acid upon her.

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Whether or not each of these allegations is ultimately proved, they are, at this stage, sufficient to disclose a continuing pattern of hostility and a motive on the part of the accused, which lends further support to the prima facie satisfaction of intent under Section 109(1) BNS.

10. The complainant's version that the accused intercepted her, abused her, and extended a specific threat to kill her before inflicting the knife blow is prima facie indicative of premeditation and intention, and cannot be brushed aside at the charge stage.

11. The contention that the complainant's statement was recorded approximately twelve hours after the incident, and that this afforded her an opportunity for concoction, does not merit acceptance at this stage. It is well settled that delay in lodging or recording of the complainant's statement, particularly where the complainant was undergoing medical treatment for a grievous injury, is a circumstance to be explained and appreciated during trial, and does not render the allegations inherently improbable or false so as to disentitle the prosecution from placing its case before the Court.

12. The absence of an independent public witness to the incident, and the non-recovery of the weapon of offence, do not, without more, negate the prima facie case. The testimony of the injured complainant, if found credible, is capable in law of sustaining a conviction even without corroboration from

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independent witnesses. Similarly, non-recovery of the weapon is a factor to be weighed along with the entirety of evidence at trial, and does not preclude the framing of charge where the medical evidence otherwise corroborates the nature and manner of assault alleged.

13. On a cumulative consideration of the medical evidence, the nature of the weapon used, the vital part of the body targeted, the severity of the injury, the alleged prior threats, and the background of matrimonial discord and antecedent hostility, this Court is of the considered opinion that a strong suspicion exists warranting the framing of charge under Section 109(1) BNS. Accordingly, charge under Section 109(1) BNS is ordered to be framed against the accused.

14. Charge has been framed against the accused person under Section 109 (1) BNS to which accused person pleaded not guilty and claimed trial.

15. Let witnesses at serial no. 1 and 2 be summoned for the NDOH.MHCM alongwith case property be also summoned for NDOH.

16. **IO concerned has not filed proper list of witnesses. IO is directed to appear on the NDOH and file the same on record.**

16. Put up for PE on 05.11.2026.

(Twinkle Wadhwa)
ASJ-02(NE)/ KKD/Delhi
05.08.2026/nk